
CITY COUNCIL AGENDA
April 15, 2014

ITEM/SUBJECT: Ordinance Amending Sections 106-185 and 106-186 of the Code of Ordinances of the City of Wichita Falls to Establish Modified Water Conservation Drought Contingency Rules; providing a penalty not to exceed \$2,000 per violation; providing for codification; declaring an emergency; and declaring an immediate effective date

INITIATING DEPT: Public Works

COMMENTARY: In accordance with the Texas Administrative Code Sections 288.2 and 288.20 the City of Wichita Falls has adopted a Water Conservation Drought Contingency Plan. This plan has been modified on several occasions, the most recent revision being at the June 4, 2013 Council meeting to establish Stage 4 drought restrictions.

As the area and City enter the 4th year of unprecedented drought conditions, and the water supply reservoirs continue to decline, it is imperative that additional water restrictions be implemented. The Water Resources Commission met on several occasions and developed Stage 5 water restrictions. These conditions were circulated for suggestions and comments. Many of those comments and suggestions have been incorporated into the attached ordinance. The results and conditions that will be established in Stage 5 of the water conservation plan and generally described as follows:

- Specifies that the following drought restrictions are instituted and removed directly by the Director of Public Works to allow them to be quickly established and removed at the appropriate times:
 - system demand exceeds 90% design treatment capacity for three or more consecutive days,
 - water supply system is unable to deliver water due to mechanical failure or damage of major water system components which are expected to require more than 72 hours to repair, or
 - water system is contaminated either accidentally or intentionally, or the water system fails from acts of nature or man.
- Changes the definition of “car” to “vehicle” with respect to car washes. This will reduce the number of claimed exemptions, making the car wash prohibition more enforceable.
- Stage 5 restrictions will be implemented when the combined lake levels of Lake Arrowhead and Kickapoo reach 25% capacity.
- Eliminates prohibition on draining pools.

- Restricts the refilling of outdoor pools from the City's potable water system.
- Prohibits the use of potable water from the City's potable water system for vehicle washing on Sunday & Monday and limits the hours of operation by commercial car washes to 7am to 7pm.
- When lake levels of Arrowhead and Kickapoo reach 20% capacity, all vehicle washing using the City's potable water system will be eliminated.

The attached Ordinance will implement these revisions.

☒ **Director of Public Works**

ASSOCIATED INFORMATION: Ordinance

☐ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

ORDINANCE NO. _____

Ordinance Amending Sections 106-185 and 106-186 of the Code of Ordinances of the City of Wichita Falls to Establish Modified Water Conservation Drought Contingency Rules; providing a penalty not to exceed \$2,000 per violation; providing for codification; declaring an emergency; and declaring an immediate effective date

WHEREAS, the City Council finds that proposed changes to the City's drought contingency ordinance comply with state law and are necessary to provide for the safe and efficient operation of the City's water system;

WHEREAS, the City Council finds that the regulations in this ordinance are directly related to protecting public health and fire safety by providing for continued provision of drinking water and fire flows; and

WHEREAS, the City Council finds that the rates and fees provided herein do not exceed the minimum amount necessary to reasonably provide for the expenses of administering and enforcing the City's utility system and water conservation and drought control provisions;

WHEREAS, the City Council finds that the City is suffering from a temporary disaster caused by the worst drought in the recorded history of the City, and the City must enact regulations to preserve water for essential uses and eliminate evaporative uses of water to allow life to continue in the City;

WHEREAS, the City is in the process of acquiring additional sources of water, and these sources will include the recycling of the City's waste water, making reductions in evaporation the most valuable means of maximizing the City's remaining supply of water;

WHEREAS, these new restrictions of this ordinance are intended to temporarily restrict the loss of potable water supplied by the City in a manner that ensures it is available for water uses that return the maximum quantity of water to the City's treatment system, thereby allowing retreatment, recycling, and use for further essential uses; and

WHEREAS, for purposes of Texas Local Government Code §§ 245.004(8) & 245.004(11), the regulations pursuant to this ordinance are (1) related only to utility connections and (2) to prevent the imminent destruction of property and injury to persons.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. Sections 106-185 and 106-186 of the Code of Ordinances of the City of Wichita Falls are amended to read as follows:

DIVISION 6. WATER CONSERVATION / DROUGHT CONTINGENCY

Sec. 106-185. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Automatic Sprinkler System -- a system of irrigation components made up of permanently installed underground PVC lines and spray irrigation devices that are controlled from an automatic irrigation controller.

Car Wash – a place or business equipped for washing cars, trucks, motorbikes, boats, airplanes, other motor vehicles and trailers.

Drip Irrigation -- a method of irrigation that applies water in a dropwise fashion directly to the soil beneath rather than projecting the water in a stream away from its orifice. To be classified in this category, the maximum allowable flow is 6 gallons per hour per emitter.

Essential Water Use: water that is required by Federal, State or Local regulation and/or is attributed to the health and safety of the citizens of Wichita Falls.

Fleet – A group of commercial motor vehicles owned by a single entity that totals more than 5 vehicles.

Hose-end sprinkler system -- a device on the end of a garden hose that can be set in place and can periodically be moved from one location to another.

Indoor Pool – pool located entirely within a fully enclosed, climate controlled structure.

MGD: Million gallons per day

Non-Essential Water Use: water use that does not directly impact the health or safety of the citizens of Wichita Falls, or are a requirement of a Federal, State or Local regulation.

Owner/Operator of a pool – Fee title holder of the property upon which the pool is located, and/or business manager, complex manager, property owners, association manager, rental agent or other individual who is in charge of the day to day operation or maintenance of the property.

Residential Pool – A pool that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two residential families and their guests. It includes a pool serving only a single-family home or duplex.

Soaker hose -- an irrigation device made of permeable rubber hose that allows water to be applied slowly and directly to the soil without being sprayed up into the air. Soaker hoses fall into the drip irrigation category. A soaker hose will not spray water regardless of its orientation.

Spa and/or Hot-Tub--a structure that is intended to be filled with water that circulates through an on-site filtration system and is not intended to be drained or refilled after each use.

Spray Irrigate or Spray Irrigation -- a category of irrigation method that utilizes devices that spray water away from the device orifice(s). These include, but are not limited to, pop-up sprays, rotors, oscillating sprinklers, and impact sprinklers. A hand held hose is not Spray Irrigation.

Vehicle – A motor vehicle, car, truck, motorcycle, bicycle, boat, trailer, or other conveyance.

Sec. 106-186. Water shortage; authority of department.

(a) *Water conservation restrictions effective at all times.* It shall be unlawful for any person, firm, corporation or other entity, at any time of the year, to:

- (1) run outside spray-type irrigation on any day of the week between 11:00 a.m. and 6:00 p.m. unless one is using a hand-held hose, soaker hose, bucket, watering can, bubbler or drip irrigation system,
- (2) wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a nozzle that stops the flow of water through the hose when released by the operator, or
- (3) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.

(b) *Discretionary drought restrictions.* The Director of Public Works may declare any stage of drought restrictions described in this ordinance to be effective if:

- (1) the system demand exceeds 90% design treatment capacity for three or more consecutive days,
- (2) the water supply system is unable to deliver water due to mechanical failure or damage of major water system components which are expected to require more than 72 hours to repair, or
- (3) the water system is contaminated either accidentally or intentionally, or the water system fails from acts of nature or man.

The establishment of a discretionary drought restriction will be effective when publicized in the media and the filing of a written declaration with the City Manager and City Clerk. Upon any declaration of such drought stage, it shall be unlawful for a person to fail to comply with the restrictions applicable to that stage. The Director of Public Works may terminate any of the aforementioned discretionary drought restrictions by filing a written notice of termination with the City Manager and City Clerk.

(c) Stage 1 - Drought Watch

- (1) The Director of Public Works shall declare a Stage 1 Drought Watch when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 60 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 5%:
 - a. The City Council and other City Departments will be notified of the impending problem and the proposed immediate and future actions.
 - b. The City shall initiate an education program through all available media to:
 - i. Alert the public to the depletion of the reservoirs; current rate of withdrawals and the effect of such withdrawals; current treatment rates; current meteorological conditions; and the long-range weather forecast from the National Weather Service.
 - ii. Alert the public to the drought management program, the various stages and measures, and the possibility of implementation.
 - iii. Keep a constant flow of information to the public to condition them for more stringent measures.
 - c. Parks Department will reduce its watering schedule to twice per week.
 - d. The Public Works Department will coordinate with other departments on the structure of a program to implement voluntary and non-voluntary water restrictions.
 - e. The Public Works Department will conduct training necessary to implement the water restriction program.
 - f. The Public Works Department will prepare all administrative processes (forms, affidavits, maps, offices, etc.) for the restriction program.

(3) *Near 50 Percent Capacity.* When the levels near a combined capacity of 50 percent, the city shall mail a copy of the Water Rationing Zone Map, with a cover letter describing the drought conditions, to each water account. Failure to mail or receive such warning shall not be a defense to any crime, restriction, or charge established in this division.

(d) *Stage 2 - Drought Warning.*

(1) The Director of Public Works shall declare a Stage 2 Drought Warning when levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 50 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 15%:

- a. Form a Drought Emergency Task Force for guidance through the remainder of the drought and to interface with the public.
- b. Suspend all non-essential operational use of water by City of Wichita Falls, such as flushing water mains, street sweeping, water jet cleaning of sanitary sewer mains, fire fighter training, etc.), except where such use of water is critical to the health and safety of the citizens.
- c. Parks Department will reduce watering to once per week or only enough water to support their trees, whichever is less.
- d. Notify all wholesale customers of the situation and inform them of the reduction goals for their systems in accordance with their individual contracts with the City of Wichita Falls. Pro rata curtailment by wholesale customers will be based upon their contractual limits as provided in Texas Water Code § 11.039.

(3) In Stage 2 drought, the following restrictions shall apply:

- a. Irrigation:
 - i. It shall be unlawful to run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week permitted for the area as identified on the Water Rationing Zone Map. An official copy of the Water Rationing Zone Map shall be kept on file in the office of the City Clerk.
 - ii. It shall be unlawful to utilize spray irrigation between the hours of 11:00 a.m. and 6:00 p.m.

- iii. Landscape watering is permitted any day at any time with a hand-held hose, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.
- iv. On days other than the day of the week permitted by the Water Rationing Zone Map, testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 11:00 a.m. to 6:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and visible to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the day of week and time of day permitted by the Water Rationing Zone Map.
- v. *New Landscape Waiver.* A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must make application to the City Public Works Department and pay a \$50.00 nonrefundable fee. The applicant must agree to pay a water rate that is three times the normal rate for that customer for all consumption over 10 CCF as registered by residential meters and all consumption as registered by Irrigation meters or commercial meters.
- vi. *Public and Private Golf Courses.*

Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in (d) (3) a., and greens may be Spray Irrigated any day of the week, but will be subject to the prohibition of spray irrigation during the daylight hours between 11a.m. & 6 p.m..

Tee Boxes: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, except on the day of the week permitted for the area as identified on the Water Rationing Zone map, but will be subject to the prohibition of spray irrigation during the daylight hours between 11a.m. & 6 p.m.

Fairways: It shall be unlawful for golf courses to Spray Irrigate Fairways, except on the day of the week permitted for the area as identified on the Water Rationing Zone map, , but will be

subject to the prohibition of spray irrigation during the daylight hours between 11a.m. & 6 p.m..

All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as roughs, trees, shrubs, etc.

- vii. Nursery plant stock is exempt from the irrigation and landscape watering restrictions of this subsection.

b. Carwashing:

- i. It shall be unlawful to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop.
- ii. The washing of a vehicle for health and safety reasons, sufficient to remove the hazard, is permitted any time.
- iii. Washing a vehicle with a bucket, on the day to water or on the lawn while watering, other than at a commercial car wash, car dealership, detail shop or automotive shop, is prohibited.
- iv. Fundraising car washes are prohibited.

- c. Restaurants / Bars / Clubs / School Cafeterias. It shall be unlawful to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.

- d. Washing sidewalks, driveways, or concrete slabs: It shall be unlawful to wash sidewalks, driveways, or concrete slabs unless an immediate health or safety risk is present.

(5) During a Stage 2 Drought Warning, the following surcharges will be applied to all applicable accounts:

a. For Residential Water Meters:

\$0.50 per hundred cubic feet (CCF) between 10 CCF and 20 CCF,
\$1.00 per CCF between 20 CCF and 40 CCF, and
\$2.00 per CCF over 40 CCF.

b. For Irrigation Water Meters:

\$0.50 per CCF between 0 CCF and 10 CCF,
\$1.00 per CCF between 10 CCF and 20 CCF,
\$2.00 per CCF between 20 CCF and 40 CCF, and
\$4.00 for each CCF over 40 CCF.

(e) *Stage 3 – Drought Emergency.*

(1) The Director of Public Works shall declare a Stage 3 Drought Emergency when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 40 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 35%:

- a. monitor all Fire Hydrant Meters that are for contractor use, to determine what conservation can be achieved through this type of water usage,
- b. specify and impose mandatory reductions on wholesale (raw & treated) water customers in accordance with Texas Water Code § 11.039, and
- c. begin establishing a program for a Drought Disaster, which will allow restriction on the essential uses of water and prepare for implementation.

(3) In Stage 3 drought, the following restrictions shall apply:

a. *Irrigation:*

- i. It shall be unlawful to run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week permitted for the area as identified on the Water Rationing Zone Map.
- ii. It shall be unlawful to utilize spray irrigation during the day specified in (d)(4)a.i., except for the following hours:
 - 2:00 a.m. to 5 7:00 a.m. for Automatic Sprinkler Systems
 - 8:00 p.m. to 12 midnight for Hose-End Sprinkler Systems
- iii. It shall be unlawful to operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver.
- iv. It shall be unlawful to operate a soaker hose, bubbler or drip irrigation system in a manner that causes water to run down the curb.
- v. New Landscape Waiver: The Public Works Department will not issue any waivers during a Stage 3 Drought Emergency.
- vi. *Public and Private Golf Courses.*

Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation times, and greens may be Spray Irrigated any day of the week, but will continue to be subject to the prohibition of spray irrigation during the daylight hours between 11a.m. and 6 p.m..

Tee Boxes: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, except on the day of the week permitted for the area as identified on the Water Rationing Zone map, but will continue to be subject to the prohibition of spray irrigation during the daylight hours between 11a.m. and 6 p.m.

Fairways: It shall be unlawful for golf courses to Spray Irrigate Fairways.

All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as roughs, trees, shrubs, etc.

v. Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

b. Car washes / Detail Shops:

i. It shall be unlawful to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop.

ii. The washing of a vehicle for health and safety reasons, sufficient to remove the hazard, is permitted any time.

iii. Washing a vehicle with a bucket, on the day to water or on the lawn while watering, other than at a commercial car wash, car dealership, detail shop or automotive shop, is prohibited.

iv. Fundraising car washes are prohibited.

v. All self-serve and full-service carwashes and detail shops will be required to close the car washing portion of their business on one day each week. The scheduled day of closure shall coincide with the day that car wash is allowed to irrigate, in accordance with the Water Rationing Zone map.

vi.. It shall be unlawful for a car wash or detail shop to use a nozzle that discharges more than 3.0 gallons per minute.

vii. It shall be unlawful for a car wash to wash any of its bays with water, except on Sundays.

c. Car Dealers / Fleets.

i. It shall be unlawful for a car dealer or an entity that maintains a fleet of motor vehicles to wash its inventory of cars on any day other than the day the property is authorized to spray irrigate in accordance with the Water Rationing Zone Map in effect.

ii. The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

iii. Fleets may not be washed at any location used for residential purposes.

iv. It is an affirmative defense to prosecution that if a car dealer or car rental is preparing a car for pickup, it washed that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to (e)(3)c. above.

d. Restaurants / Bars / Clubs / School Cafeterias:

i. It shall be unlawful to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.

ii. It shall be unlawful for a food establishment to thaw food with water. Food must be thawed by another legal method, such Refrigeration or Cooking Process.

iii. It shall be unlawful for a food establishment to clean kitchen or food handling areas with spray hoses.

e. Pools:

i. It shall be unlawful to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides.

- ii. If repairing a pool, it shall only be drained to a level necessary to affect the repair, and no further. Owners of pools that follow this restriction will be allowed to re-fill their pool after the repair.
 - iii. Owners Operators of pools that are restricted from draining the pool once it closed for the season.
 - f. Washing sidewalks, driveways, or concrete slabs: It shall be unlawful to wash sidewalks, driveways, or concrete slabs unless an immediate health or safety risk is present.
- (4) During a Stage 3 Drought Emergency, the following surcharges will be applied to all applicable accounts:
- a. For Residential Water Meters:
\$1.00 per CCF between 10 CCF and 20 CCF,
\$2.00 per CCF between 20 CCF and 40 CCF, and
\$4.00 per CCF over 40 CCF.
 - b. For Irrigation Water Meters:
\$1.00 per CCF between 0 CCF and 10 CCF,
\$2.00 per CCF between 10 CCF and 20 CCF,
\$4.00 per CCF between 20 CCF and 40 CCF, and
\$8.00 per CCF over 40 CCF.

(f) Stage 4 - Drought Disaster

- (1) The Director of Public Works shall declare a Stage 4 Drought Disaster when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 30 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of potable water being provided by the City to less than 17 MGD:
 - a. Impose further mandatory restrictions on non-essential uses of water and essential uses of water.
 - b. Pull Hydrant Meters and suspend service thereon until conditions return to a Drought Emergency status.
 - c. Continue the aggressive public relations and education program.
- (3) In Stage 4 drought, the following restrictions shall apply:
 - a. Irrigation:

i. *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City of Wichita Falls that is distributed through the City's distribution system on any day at any time. This restriction includes all forms of irrigation, including, spray, bubbler, drip, hand-watering, etc.

ii. *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc.. Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but, will not be allowed to refill the ponds from the City system, while in a Stage 4 Drought Disaster.

iii. *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

b. Car washes / Detail Shops:

i. It shall be unlawful to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop.

ii. The washing of a vehicle for health and safety reasons, sufficient to remove the hazard, is permitted any time.

iii. Washing a vehicle with a bucket, on the day to water or on the lawn while watering, other than at a commercial car wash, car dealership, detail shop or automotive shop, is prohibited.

iv. Fundraising car washes are prohibited.

v. All self-serve and full-service carwashes and detail shops will be required to close the car washing portion of their business on one day each week. The scheduled day of closure shall coincide with the day that car wash is allowed to spray irrigate, in accordance with the Water Rationing Zone map.

vi.. It shall be unlawful for a car wash or detail shop to use a nozzle that discharges more than 3.0 gallons per minute.

vii. It shall be unlawful for a car wash to wash any of its bays with water, except on Sundays.

c. Car Dealers / Fleets.

- i. It shall be unlawful for a car dealer or an entity that maintains a fleet of vehicles to wash its inventory of cars on any day other than the day the property was authorized to Spray Irrigate in accordance with the Water Rationing Zone Map.
 - ii. The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.
 - iii. Fleets may not be washed at any location used for residential purposes.
 - iv. It is an affirmative defense to prosecution that if a car dealer or car rental is preparing a car for pickup, it washed that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to (f)(3)c. above.
- d. Restaurants / Bars / Clubs / School Cafeterias:
- i. It shall be unlawful to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.
 - ii. It shall be unlawful for a food establishment to thaw food with water. Food must be thawed by another legal method, such as Refrigeration or Cooking Process.
 - iii. It shall be unlawful for a food establishment to clean kitchen or food handling areas with spray hoses.
- e. Pools:
- i. It shall be unlawful to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides.
 - ii. If repairing a pool, it shall only be drained to a level necessary to affect the repair, and no further. Owners of pools that follow this restriction will be allowed to re-fill their pool after the repair.
 - iii. Owners / Operators of pools are restricted from draining the pool once it closed for the season.
- f. Large Industries
- i. Large Industries will be notified by the City to initiate a Water Audit of their facilities.

- ii. The Water Audit will include where water is being used within the facilities and where reductions in water usage can be made.
- iii. Large Industries will have 60 days to conduct the Water Audit and submit a written report to the Director of Public Works detailing the findings of the Water Audit and the percent reduction in water consumption that can be achieved.
- iv. Each Large Industry will be required to have all internal modifications to implement the water reduction completed and functioning by the time a Combined Lake Level of 20% is reached.

g. Watering Structures

- i. The watering of Home Foundations is restricted to once a week, on the day the property was authorized to irrigate in accordance with the Water Rationing Zone Map.
 Foundations may only be watered between the hours of 8:00 p.m. and 12:00 a.m. (midnight).
 Foundations may only be watered with Soaker Hoses.
- ii. It shall be unlawful to wash sidewalks, driveways, concrete slabs, any structure or any part of a structure during Stage 4 restrictions.

(4) During a Stage 4 Drought Disaster the following surcharges will be applied to all applicable accounts:

- a. For Residential Water Meters:
 \$3.00 per CCF between 10 CCF and 20 CCF,
 \$6.00 per CCF between 20 CCF and 40 CCF, and
 \$12.00 per CCF over 40 CCF.
- b. For Irrigation Water Meters:
 \$3.00 per CCF between 0 CCF and 10 CCF,
 \$6.00 per CCF between 10 CCF and 20 CCF,
 \$12.00 per CCF between 20 CCF and 40 CCF, and
 \$24.00 per CCF over 40 CCF.

(g) Stage 5: Drought Catastrophe

- (1) The Director of Public Works shall declare a Stage 5 Drought Catastrophe when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 25 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of potable water being provided by the City to less than 14 MGD:

- a. Impose further mandatory restrictions on non-essential uses of water and essential uses of water.
- b. Continue the aggressive public relations and education program.

(3) In Stage 5 drought, the following restrictions shall apply:

a. Irrigation:

i. *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City of Wichita Falls that is distributed through the City's distribution system on any day at any time. This restriction includes all forms of irrigation, including, spray, bubbler, drip, hand-watering, etc.

ii. *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc. The Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but, will not be allowed to refill the ponds from the City system, while in a Stage 5 Drought Disaster.

iii. *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

b. Washing Cars when Lakes Arrowhead & Kickapoo are between 20% and 25%:

i. *Location of Washing Cars Limited to Reduce Runoff.* It shall be unlawful for any person to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop, automotive shop, or commercial property that is owned by the owner of a Fleet of vehicles.

a. It shall be an affirmative defense to prosecution pursuant to this subsection i. that a person was washing a vehicle for health and safety reasons, only to an extent sufficient to remove the hazard, is permitted any time.

b. It shall be an affirmative defense to prosecution pursuant to this subsection i. that a car dealer or car rental company was preparing a vehicle for pickup and washed that vehicle on the day of pick up by the customer.

ii. *Allowable Times for Washing Vehicles Limited to Reduce Evaporation.* It shall be unlawful for any person to use potable water to wash a vehicle:

a. at any time on Sunday or Monday, or

b. on any day, during the nighttime hours of 7 p.m. to 7 a.m. The owner or operator of a self-serve car wash or detail shop shall ensure that potable water cannot be used to wash a vehicle between the nighttime hours of 7 p.m. to 7 a.m.

iii. *Nozzles.* It shall be unlawful for any car wash or detail shop to use a nozzle that discharges more than 3.0 gallons per minute.

iv. *Bays.* It shall be unlawful for a car wash to wash any of its bays with water, except on Fridays.

c. *Washing vehicles Prohibited when Lakes Arrowhead and Kickapoo are below 20%:* It shall be unlawful for any person to use potable water to wash a vehicle at any time when the levels of Lakes Arrowhead and Kickapoo are at a combined capacity of less than 20%.

d. *Restaurants / Bars / Clubs / School Cafeterias:*

i. It shall be unlawful to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.

ii. It shall be unlawful for a food establishment to thaw food with water. Food must be thawed by another legal method, such as Refrigeration or Cooking Process.

iii. It shall be unlawful for a food establishment to clean kitchen or food handling areas with spray hoses.

e. *Pools:*

i. It shall be unlawful to operate a water feature on any pool, including, but not limited to, fountains, water falls, descents, arcs, and slides.

ii. It shall be unlawful to fill, refill or add potable water to private or public swimming, wading or Jacuzzi-type pools, spas and hot-tubs.

iii. Indoor pools are exempt from the restrictions of (g)(3)e.

f. Watering Structures:

i. The watering of Home Foundations is restricted to once a week, on the day the property was authorized to irrigate in accordance with the Water Rationing Zone Map.

- a. Foundations may only be watered between the hours of 8:00 p.m. and 12:00 a.m. (midnight).
- b. Foundations may only be watered with Soaker Hoses.

ii. It shall be unlawful to wash sidewalks, driveways, concrete slabs, any structure or any part of a structure.

(2) During a Stage 5 Drought Catastrophe the following surcharges will be applied to all applicable accounts:

- a. For Residential Water Meters;
\$6.00 per CCF between 10 CCF and 20 CCF,
\$12.00 per CCF between 20 CCF and 40 CCF, and
\$24.00 per CCF over 40 CCF.
- b. For Irrigation Water Meters;
\$6.00 per CCF between 0 CCF and 10 CCF,
\$12.00 per CCF between 10 CCF and 20 CCF,
\$24.00 per CCF between 20 CCF and 40 CCF, and
\$48.00 per CCF over 40 CCF.

(h) Surcharges will remain in effect until the City Council announces the end to the restrictions. Water utilized by commercial nurseries for plant stock production shall not be subject to the surcharges specified herein.

(i) *Triggering & Terminating Drought Stages.*

(1) The Director of Public Works shall declare that each "trigger level" has been reached and that the water use restrictions for each respective stage are in effect. The water restrictions will remain in effect until the lakes rise to a level that, when combined with the long-term forecast, assures the city an adequate supply of water.

(2) When an adequate supply of water is available, the City Council, by majority vote, and after consultation with the Director of Public Works, shall announce the termination of each respective stage of the restrictions that are triggered by lake levels.

(i) *Drought Restrictions only apply to City-supplied Water.* Water supplied from sources other than the City's potable water delivery system, including private water wells, aerobic

septic systems, wastewater effluent, and potable water imported from other areas, is intended to be exempt from the restrictions of this section. Accordingly, it shall be an affirmative defense to prosecution for violation of any provision of this section that the water used in the alleged violation was not from the City's potable water delivery system.

(j) *Violation; penalty.* Any person, firm, corporation or other entity found in violation of any provision of this section shall be punished by a fine of \$25.00 for the first offense; not more than \$500.00 for the second offense; and not more than \$2,000.00 for each offense thereafter. Each day of violation of this section shall constitute a separate offense. Proof of a culpable mental state shall not be required for the first or second offense. In the event that this section is violated by repeated offenses, the Director of Public Works is authorized to order the **locking or** removal of the customer's meter until all fees and fines are paid.

2. Codification

The sections of this ordinance that specify they amend or add to the Code of Ordinances of the City of Wichita Falls are intended to be parts of said Code, and said sections of this ordinance may be renumbered or relettered to accomplish such intention.

3. Emergency Declaration and Immediate Effective Date

The City Council finds that the need for reducing water consumption due to the rapid reduction in the reservoirs constitutes an urgent public need for the preservation of the peace, health and safety of property of the city. Accordingly, the City Council declares that this is an emergency measure, and it shall become effective immediately upon adoption.

PASSED AND APPROVED this 15th day of April, 2014.

M A Y O R

ATTEST:

City Clerk